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Typed or Printed Name	Donna Macedo		
Signature	<i>[Signature]</i>	Date	2/5/02

<b>RESPONSE</b>  Address to: Assistant Commissioner for Patents Washington, D.C. 20231	Attorney Docket	CORA-007CIP
	First Named Inventor	Brent CONSTANTZ
	Application Number	09/728,171
	Filing Date	December 1, 2000
	Group Art Unit	1617
	Examiner Name	J. Kim
	Title	METHODS AND KITS FOR USE IN PREVENTING RESTENOSIS

Sir:

In response to the Office Action dated December 4, 2001, the Applicant has prepared the following remarks, in view of which the Examiner is respectfully requested to withdraw the rejections and allow Claims 1-20, the only claims pending and under examination at this time.

**REMARKS**

Claims 1-6 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Martindale. The Examiner bases this rejection on the assumption that the recited instructional element is not deemed to hold any patentable weight.

However, the Examiner has cited no case law or MPEP section to support this position. In fact, courts treat instructions for use, e.g., in the form of printed matter, as a separate element to be accorded patentable weight just like any other recited element.

The Federal Circuit in *In re Gulack*, 217 U.S.P.Q 401 (1983) held that:

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/728,171
	Filing Date	December 1, 2000
	First Named Inventor	CONSTANTZ, BRENT R.
	Group Art Unit	1617
	Examiner Name	KIM, JENNIFER M.
	Attorney Docket Number	CORA-007CIP
Total Number of Pages in This Submission		5
<b>ENCLOSURES (check all that apply)</b>		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
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<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return receipt postcard
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<b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</b>		
Firm or Individual Name	BRET E. FIELD, Reg. No. 37.620	
Signature		
Date	February 5, 2002	

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Typed or printed name Donna Macedo

Signature

Date February 5, 2002

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